IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22503 of 2004

Between:

K.V.Seshaiah S/o.Lakshmaiah
F.P.Shop Dealer of 15 th Ward, Chimakurthy (V),
Chimakurthy (M), Prakasam Dist.

..... PETITIONER

AND

1 The Civil Supplies The Joint Collector
Prakasam Dist.
2 The Revenue Divisional Officer
Ongole, Prakasam Dist.
3 The Mandal Revenue Offiocer
Chimakurhti Village, Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate Writ, order or direction directing the Respondents to continue the petitioner as F.P.Shop Dealer of Chimakurhty Village, Chimakurthy Mandal, Prakasam Dist by declaring he order passed by the 2nd Respondent herein in proceedings Rc.No.C/1634/2004, dt 19-11-2004 as arbitrary, illegal, violation of principles of natural justice and unconstitutional.

Counsel for the Petitioner: MR.T.NAGARJUNA REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

Oral order:-

The petitioner assails the order dated 19-11-2004 passed by the Revenue Divisional Officer, Ongole, 2nd respondent herein. Through the impugned order, the 2nd respondent suspended the authorization of the petitioner. Several grounds are urged in challenge to the same and during the course of hearing, it is also represented that an appeal has been preferred before the 1st respondent against the impugned order together with an application for grant of stay and that no orders have been passed so far.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

Though the petitioner had challenged the order of suspension in this writ petition, this court is not inclined to adjudicate the same for the reason that an appeal is provided for against the same to the 1st respondent and the petitioner had already availed it. It is also stated that an application for grant of stay has been filed. Though it is for the 1st respondent to pass appropriate orders on the interim application, having regard to the fact that the order of suspension was served upon the petitioner only few days back; that the charges leveled against him are not so serious in nature and that no allegations are made accusing him of diverting the food grains to black market, it is directed that the impugned order shall stand stayed till the disposal of the appeal by the 1st respondent. The petitioner shall be entitled to distribute the essential commodities during that period.

Accordingly, the writ petition is disposed of. No costs.

L. NARASIMHA REDDY, J

Dt. 07-12-2004

Pvks/*

Nb: Furnish c.c. in three days.

B/o pvks/*

To

1 The Civil Supplies The Joint Collector
Prakasam Dist.
2 The Revenue Divisional Officer
Ongole, Prakasam Dist.
3 The Mandal Revenue Offiocer
Chimakurhti Village, Prakasam Dist.

4.2CCs to the Government Pleader for Civil Supplies, A.P. High Court Buildings, Hyderabad (OUT).

5.2CD copies

*Form-NIC-OGS/WP{**MVK**}*